

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 22, 2003

DIVISION ONE

B161090 Heins (Not for Publication)
v.
Garcia, et al.

We affirm the judgment. Defendants are awarded costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B160526 People (Not for Publication)
v.
Pacheco

The judgment is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B163243 Jalali (Not for Publication)
v.
M.G. Eagle Entertainment Corporation, et al.

The order of dismissal is reversed and on remand the trial court is directed to enter a new order sustaining defendants' demurrer to the second cause of action and granting leave to amend, overruling defendants' demurrer to the first and third causes of action, and denying defendants' motion to strike the first and fourth through ninth causes of action and the respective prayers for relief. Jalali is entitled to costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

December 22, 2003 (Continued)

DIVISION ONE (Continued)

[illegible]

The judgment (order granting probation) is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B163311 Beverly Jewett
v.
Capital One Bank, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

[illegible]

The habeas corpus petition is granted. Anderson's conviction is vacated and the case is remanded to the superior court for further proceedings as set forth above. The direct appeal is dismissed as moot.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B168709 Los Angeles County, D.C.S. (Not for Publication)
v.
Brenda S.

The appeal is dismissed.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

B155003 Pizano, et al. (Not for Publication)
v.
All Care Medical Group, et al.

The judgment notwithstanding the verdict is reversed. The order denying defendants' motion for a new trial is affirmed. The judgment based upon the jury verdict is affirmed. We remand this case to the trial court with directions to reinstate the judgment based upon the jury verdict. Plaintiffs are awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B163195 Los Angeles County, D.C.S. (Certified for Publication)
v.
S.A., et al.

The disposition order dated November 25, 2002, is reversed and the cause is remanded for further proceedings consistent with the views expressed herein. The trial court shall issue an order amending its November 25, 2002 disposition order, nunc pro tunc to that date, to (1) include orders that R.B. is a presumed father of the minor, and (b) respondent is not a presumed father of the minor; and (2) delete the orders that (a) respondent is a presumed father of the minor, (b) R.B. is an alleged father of the minor, and (c) R.B. is granted de facto status and standing as to the minor.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION FOUR

B164954 Rashti (Not for Publication)

v.
Miod, et al.

The order denying attorney fees is affirmed. Respondent to recover her costs.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B167878 Shaw Industries (Not for Publication)

v.
S.C.L.A.
Berthiaume, et al.

Let a peremptory writ of mandate issue compelling respondent court to set aside its order of May 13, 2003, denying the motion to strike the nationwide class allegations and enter a new and different order granting such motion. The temporary stay is vacated. Shaw is entitled to costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B162065 Kraut (Not for Publication)

v.
Boden

The appeal from the issues relating to the order of April 5, 2002, is dismissed as untimely. The order of December 6, 2003, is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FOUR (Continued)

B165493 Los Angeles County, D.C.S. (Not for Publication)
v.
Linda B.

The appeal from the March 5, 2003 order directing appellant to undergo an evaluation by the department of mental health is dismissed as moot. The orders of the juvenile court are otherwise affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B160221 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

DIVISION FIVE

B163249 People (Not for Publication)
v.
Sureno L.

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

December 22, 2003 (Continued)

DIVISION SIX

B165904 Garcia (Not for Publication)
v.
Verizon Media Ventures, Inc., et al.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION EIGHT

B169801 Certaineed Corporation, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Marshall, et al., r.p.i.)

The petition for writ of mandate is granted. The respondent court is directed to vacate its order of July 21, 2003, striking the filing of petitioner's summary judgment motion and to reset the summary judgment motion for a hearing prior to the trial in this matter. Petitioner is entitled to recover its costs in this writ proceeding. (Cal.Rules of Court, rule 56.4.) Our temporary stay order of September 11, 2003, is hereby vacated.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B162337 People (Not for Publication)
v.
Thornton

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B160234 Union Pacific Railroad Company (Not for Publication)
 v.
 SFPP, et al.

The entry of summary adjudication on the Railroad's causes of action for breach of contract and for declaratory relief is reversed. Each party to bear its own costs.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.